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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,690	11/17/2003	Elizabeth V. Bagley	RSW920030237US1 (129)	5361
46320 7590 09/18/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER SHAH, PARAS D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,690

Applicant(s)

BAGLEY ET AL.

Examiner

PARAS SHAH

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 06/19/2008, PROSECUTION IS HEREBY REOPENED. A New Grounds for rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2626

2. This communication is in response to the Appeal Brief filed on 06/19/2008. Claims 1-12 are pending and have been examined. The Applicants' amendment and

remarks have been carefully considered, but they do not place the claims in condition for allowance.

3. All previous objections and rejections directed to the Applicant's disclosure and claims not discussed in this Office Action have been withdrawn by the Examiner.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 3 is drawn to non-statutory subject matter. The stated claim falls within the statutory category of process. However, in order for the process to be statutory the process must be 1) tied to another statutory class or 2) transform underlying subject matter to a different state or thing. Neither of these requirements are met by the claim and thus the method is not a patent eligible process under 101 (see John Love Memo, "Clarification of Processes under 35 USC 101" dated 05/15/2008")
6. Claims 4-7 are rejected as being based upon a rejected based claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1, 3, 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama *et al.* (US 5,642,518) in view of Xun (US 6,853,771) in view of Ho *et al.* (US 6,571,240).

As to claim 1, Kiyama *et al.* teaches a keyword generation system comprising:

a content parser configured to parse individual words in a selected portion of content (see col. 4, lines 58-60) (e.g. The dividing of the words from the text is equivalent to a parser);

a dictionary of words and phrases (see col. 4, line 60) (e.g. A dictionary is being used when words are divided.) to a particular domain depending on the word detected).;

a list of keyword candidates comprising a plurality of words and phrases specific to said particular domain (see col. 4, lines 66-67) (e.g. A keyword list is generated of the detected words corresponding to specific domains (see Figure 9);

a counter for each of said words and phrases in said list (see col. 4, lines 64-65) (e.g. a frequency of occurrence is equivalent to a counter since both are directly proportional to each other. Further, once a keyword is detected the count increases (see Figure 9, element w3); and,

a keyword generation process (see Figure 2, element 70) both coupled to each of said content parser (see Figure 2, element 10), dictionary (see col. 4, line 60), said list (see Figure 2, elements 20 and 30), and said counter (see Figure 2, element 20 and 30) and also programmed (see col. 6, lines 22-39) (e.g. The use

of a processor implies the programming portion) to identify said words and phrases specific to said particular domain in said selected portion of content (see Figure 2, element 30 and col. 5, lines 1-4 and Figure 9) (e.g. From Figure 9, the occurrence frequencies are identified as well as the domain as seen by the element columns, w3), to write said identified words and phrases to said list of keyword candidates (see col. 5, lines 5-7) (e.g. The extracted keywords are stored for new keywords and existing keywords are already in the dictionary (see Figure 9, element column, w1)) , to increment said counter for each of said words and phrases in said list each time said keyword generation process locates each of said words and phrases in said selected portion of content (see col. 5, lines 48-55) (e.g. In this cited portion the, word occurrence frequencies are updated depending on the word and incremented by domain and shown in Figure 9), and to select one or more of said words and phrases in said list as keywords for said content based upon said counter for each of said words and phrases in said list (see col. 11. lines 59-65 and Figure 18) (e.g. The assignment of the keywords shows the selection of the keywords based on the occurrence frequency. The latter citation shows the keywords assigned).

However, Kiyama does not specifically teach the use of a parser parsing phrases.

Xun does teach parsing of content into phrases and words (see col. 4, lines 34-36, phrases, word).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have substituted the parser as taught by Kiyama *et al.* with the parser for parsing phrases and words as taught by Xun in order to obtain the predictable result of obtaining individualized units of text (see KSR vs. Teleflex, Rationales, B, D, and E).

However, Kiyama *et al.* in view of Xun do not specifically teach the dictionary specific to a particular domain.

Ho *et al.* does teach a dictionary of words and phrases specific to a particular domain (see col. 6, lines 62-col. 7, lines 3, domain specific dictionary) associated with the text (see col. 4, lines 40-50, phrases from documents).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified or improved the dictionary as taught by Kiyama *et al.* in view of Xun with the substitution of a domain-specific dictionary as taught by Ho *et al.* for obtaining the predictable result of quicker retrieval (see Ho col. 4, lines 20-23) for information related to a specific domain (See KSR vs. Teleflex, Rationales B, D, and E).

9. Claims 3, 7, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama *et al.* in view of Xun.

As to claims 3 and 8, Kiyama *et al.* teaches a keyword generation method comprising the steps of:

locating words and phrases (see col. 4, lines 58-60) in a selected portion of content (see Figure 3, obtain data of one text sequence 12), said words and phrases being specific to a particular domain (see col. 1, lines 4-5) (e.g. In the reference that keywords associated with a domain type is extracted and is thus specific to a particular domain depending on the word detected).

adding a single instance of each of said located words and phrases to a list of keyword candidates (see col. 5, lines 5-7);

for each located word and phrase which already had been added to said list of keyword candidates, incrementing a counter associated with said located word and phrase (see col. 4, lines 64-65) (e.g. a frequency of occurrence is equivalent to a counter since both are directly proportional to each other. Further, once a keyword is detected the count increases (see Figure 9, occurrence frequency w3); and,

selecting keywords from said list of keyword candidates based upon words and phrases in said list (see col. 11, lines 59-65 and Figure 18) (e.g. The assignment of the keywords shows the selection of the keywords based on the occurrence frequency. The latter citation shows the keywords assigned.) having a highest counter value (see Figure 17) (e.g. From the Figure, if the keyword has not been seen more than one time then it is assigned as the keyword to the specific domain. If it is has only been seen once then it is not assigned) (see Figure 18 and Figure 16, example)).

Kiyama *et al.* does not specifically teach selecting portion of content.

However, Kiyama does not specifically teach the use of locating phrases.

Xun does teach locating of phrases and words (see col. 4, lines 34-36, the use of a parser locates individualized units such as phrases, word).

It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have substituted the locating of words as taught by Kiyama *et al.* with the location of words and phrases as taught by Xun in order to obtain the predictable result of obtaining individualized units of text (see KSR vs. Teleflex, Rationales, B, D, and E).

As to claim 8, Kiyama in view of Xun teaches all of the limitations as set forth in the method claim 1 and further teaches the use of a computer readable medium (see Kiyama col. 6, lines 24-26, memory 110).

As to claims 7 and 12, Kiyama *et al.* in view of Xun teaches all of the limitations as to claims 3 and 8, above.

Furthermore, Kiyama teaches the step of repeated performing the locating, adding and incrementing steps for selected chunks of said selected portion of content until no content remains to be processed (see Figure 3, elements, 1, 11-16) (e.g. From the Figure, it is seen that the text is retrieved and processing is done until the text is completed (see Figure 4, sample document). It is obvious that the processing ends once all text has been analyzed.).

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10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama *et al.* in view of Xun in view of Ho *et al.* as applied to claim 1 above, and further in view of de Hita *et al.* (US 6,081,774).

As to claim 2, Kiyama *et al.* in view of Xun in view of Ho *et al.* teach all of the limitations as in claim 1, above.

However, Kiyama *et al.* in view of Ho *et al.* does not specifically teach the use of a list of common words for keyword generation.

de Hita *et al.* does teach the use of list of common words (see col. 3, lines 4-8) (e.g. pattern dictionary) coupled to keyword generation process (see col. 3, lines 51-61).

It would have been obvious to one of ordinary skilled in the at the time the invention was made to have modified the key word generation taught by Kiyama *et al.* in view of Xun in view of Ho with the inclusion of word removal common to keywords as taught by de Hita *et al.* The motivation to have combined the two references involves the inclusion of context dependent information related to semantic relationships (see de Hit a *et al.*, col. 3, lines 3-8) in order to merge expressions that are similar (see de Hita *et al.*, col. 2, lines 9-13) for faster processing.

11. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama *et al.* in view of Xun as applied to claim 3 above, and further in view of de Hita *et al.* (US 6,081,774).

As to claims 4 and 9, Kiyama *et al.* in view of Xun teach all of the limitations as in claim 3, above.

However, Kiyama *et al.* in view of Xun do not specifically teach removing from consideration every word and phrase in said list of keyword candidates that are common.

de Hita *et al.* does teach removing from consideration the keywords and words common in nature (see col. 3., lines 51-61 and see col. 11, lines 8-19) (e.g. From the cited sections it is the synonyms for the word or token is retrieved, which is one of the problems the reference tries to solve (see col. 2, lines, 11-14).

It would have been obvious to one of ordinary skilled in the at the time the invention was made to have modified the key word generation taught by Kiyama *et al.* in view of Xun with the inclusion of word removal common to keywords as taught by de Hita *et al.* The motivation to have combined the two references involves the inclusion of context dependent information related to semantic relationships (see de Hit a *et al.*, col. 3, lines 3-8) in order to merge expressions that are similar (see de Hita *et al.*, col. 2, lines 9-13) for faster processing.

12. Claims 5, 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama *et al.* in view of Xun in view of Yoshimi *et al.* (US 6,374,209).

As to claims 5 and 10, Kiyama *et al.* in view of Xun teach all of the limitations as in claims 3 and 8, above.

Furthermore, Kiyama *et al.* teaches selecting a string (e.g. word) in said selected portion of content (see Figure 3, elements 1 and 11-16) (e.g. The input text is the selection and words are extracted. It would have been obvious to select textual portions as an alternative means to obtain a sequence of data.);

adding said string to said list of keyword candidates (see col. 5, lines 5-10) (e.g. The comparison to the collection and the negligible word dictionary is made and added if the respective word is not found in the collection or negligible word dictionary);

However, Kiyama *et al.* in view of Xun do not specifically teach the detecting a variation in font attributes.

Yoshimi *et al.* does teach the detecting of words based upon font attributes (see col. 13, lines 1-35, character ornament, style and size is detected for important word).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the key word generation taught by Kiyama *et al.* in view of Xun with the inclusion of font detection as taught by Yoshimi *et al.* The motivation to have combined the two references involves the distinction between important words and unimportant words comparing other words in the text [see Yoshimi *et al.*, col. 13, lines 1-35], which benefits the keyword generation presented by Kiyama *et al.* in view of Xun by detecting keywords denoted by font for faster assignment of keywords to text.

As to claims 6 and 11, Kiyama *et al.* in view of Xun in view of Yoshimi *et al.* teach all of the limitations as in claims 5 and 10, above.

Furthermore, Yoshimi *et al.* teaches the extraction of important words based on font (see col. 13, lines 1-35, character ornament, style and size is detected for important word).

Furthermore, Kiyama *et al.* teaches the step of subsequently identifying said string as a word and phrase (see col. 5, lines 48-55) , which is specific to said particular domain.(see Figure 9 and 16) (e.g. The occurrence frequency is used to determine the domain for which the keywords extracted from a text document belongs to.).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 11 whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-THURS. 7:00a.m.-4:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571)272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paras Shah/
Examiner, Art Unit 2626

09/09/2008

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626